



General Assembly

**Amendment**

January Session, 2009

LCO No. 7084

**\*HB0650207084HDO\***

Offered by:

REP. RYAN, 139<sup>th</sup> Dist.

SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Subst. House Bill No. 6502

File No. 280

Cal. No. 223

**"AN ACT CONCERNING THE STANDARD WAGE FOR CERTAIN  
CONNECTICUT WORKERS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 31-57f of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2009*):

5 (a) As used in this section: (1) "Required employer" means any  
6 provider of food, building, property or equipment services or  
7 maintenance listed in this subdivision whose rate of reimbursement or  
8 compensation is determined by contract or agreement with the state or  
9 any state agent: (A) Building, property or equipment service  
10 companies; (B) management companies providing property  
11 management services; and (C) companies providing food preparation  
12 or service, or both; (2) "state agent" means any state official, state  
13 employee or other person authorized to enter into a contract or  
14 agreement on behalf of the state; (3) "person" means one or more

15 individuals, partnerships, associations, corporations, business trusts,  
16 legal representatives or organized groups of persons; [and] (4)  
17 "building, property or equipment service" means any janitorial,  
18 cleaning, maintenance or related service; (5) "prevailing rate of wages"  
19 means the hourly wages paid for work performed within the city of  
20 Hartford under the collective bargaining agreement covering the  
21 largest number of hourly nonsupervisory employees employed within  
22 Hartford County in each classification established by the Labor  
23 Commissioner under subsection (e) of this section, provided the  
24 collective bargaining agreement covers no less than five hundred  
25 employees in the classification; (6) "prevailing rate of benefits" means  
26 the total cost to the employer on an hourly basis for work performed  
27 within the city of Hartford, under a collective bargaining agreement  
28 that establishes the prevailing rate of wages, of providing health,  
29 welfare and retirement benefits, including, but not limited to, (A)  
30 medical, surgical or hospital care benefits; (B) disability or death  
31 benefits; (C) benefits in the event of unemployment; (D) pension  
32 benefits; (E) vacation, holiday and personal leave; (F) training benefits;  
33 and (G) legal services benefits, and may include payment made  
34 directly to employees, payments to purchase insurance and the  
35 amount of payment or contributions paid or payable by the employer  
36 on behalf of each employee to any employee benefits fund; (7)  
37 "employee benefit fund" means any trust fund established by one or  
38 more employers and one or more labor organizations or one or more  
39 other third parties not affiliated with such employers to provide,  
40 whether through the purchase of insurance or annuity contracts or  
41 otherwise, benefits under an employee health, welfare or retirement  
42 plan, but does not include any such fund where the trustee or trustees  
43 are subject to supervision by the Banking Commissioner of this state or  
44 of any other state, or the Comptroller of the Currency of the United  
45 States or the Board of Governors of the Federal Reserve System; and  
46 (8) "benefits under an employee health, welfare or retirement plan"  
47 means one or more benefits or services under any plan established or  
48 maintained for employees or their families or dependents, or for both,  
49 including, but not limited to, medical, surgical or hospital care

50 benefits, benefits in the event of sickness, accident, disability or death,  
51 benefits in the event of unemployment, retirement benefits, vacation  
52 and paid holiday benefits, legal service benefits or training benefits.

53 (b) On and after July 1, 2000, the wages paid on an hourly basis to  
54 any employee of a required employer in the provision of food,  
55 building, property or equipment services provided to the state  
56 pursuant to a contract or agreement with the state or any state agent,  
57 shall be at a rate not less than the standard rate determined by the  
58 Labor Commissioner pursuant to subsection (g) of this section.

59 (c) Any required employer or agent of such employer that violates  
60 subsection (b) of this section shall pay a civil penalty in an amount not  
61 less than two thousand five hundred dollars but not more than five  
62 thousand dollars for each offense. The contracting department of the  
63 state that has imposed such civil penalty on the required employer or  
64 agent of such employer shall, within two days after taking such action,  
65 notify the Labor Commissioner, in writing, of the name of the  
66 employer or agent involved, the violations involved and steps taken to  
67 collect the fine.

68 (d) The Labor Commissioner may make complaint to the proper  
69 prosecuting authorities for the violation of any provision of subsection  
70 (b) of this section.

71 (e) For the purpose of predetermining the standard rate of covered  
72 wages on an hourly basis, the Labor Commissioner shall establish  
73 classifications for all hourly nonsupervisory employees based on the  
74 applicable occupation codes and titles set forth in the federal Register  
75 of Wage Determinations under the Service Contract Act of 1965, 41  
76 USC 351, et seq., provided the Labor Commissioner shall classify any  
77 individual employed on or before July 1, 2009, as a grounds  
78 maintenance laborer or laborer as a janitor, and shall classify any  
79 individual hired after July 1, 2009, performing the duty of grounds  
80 maintenance laborer, laborer or janitor as a light cleaner, heavy  
81 cleaner, furniture handler or window cleaner, as appropriate. The

82 Labor Commissioner shall then determine the standard rate of wages  
83 for each classification of hourly nonsupervisory employees which shall  
84 be [equivalent to] (1) the prevailing rate of wages paid to employees in  
85 each classification, or if there is no such prevailing rate of wages, the  
86 minimum hourly wages set forth in the federal Register of Wage  
87 Determinations under the Service Contract Act, plus (2) the prevailing  
88 rate of benefits paid to employees in each classification, or if there is no  
89 such prevailing rate of benefits, a thirty per cent surcharge on the  
90 amount determined in subdivision (1) of this subsection to cover the  
91 cost of any health, welfare and retirement [plans] benefits or, if no such  
92 [plan is in effect between] benefits are provided to the employees, [and  
93 the employer,] an amount equal to thirty per cent of the [hourly wage]  
94 amount determined in subdivision (1) of this section, which shall be  
95 paid directly to the employees. The standard rate of wages for any  
96 employee entitled to receive such rate on or before July 1, 2009, shall  
97 not be less than the minimum hourly wage for the classification set  
98 forth in the federal Register Of Wage Determinations under the Service  
99 Contract Act plus the prevailing rate of benefits for such classification  
100 for as long as that employee continues to work for a required  
101 employer.

102 (f) Required employers with employees covered by collective  
103 bargaining agreements which call for wages and benefits that are  
104 reasonably related to the standard rate of wages shall not be  
105 economically disadvantaged in the bidding process, provided the  
106 collective bargaining agreement was arrived at through arms-length  
107 negotiations.

108 (g) The Labor Commissioner shall, in accordance with subsection (e)  
109 of this section, determine the standard rate of wages for each  
110 classification on an hourly basis where any covered services are to be  
111 provided, and the state agent empowered to let such contract shall  
112 contact the Labor Commissioner at least ten days prior to the date such  
113 contract will be advertised for bid, to ascertain the standard rate of  
114 wages and shall include the standard rate of wages on an hourly basis  
115 for all classifications of employment in the proposal for the contract.

116 The standard rate of wages on an hourly basis shall, at all times, be  
117 considered the minimum rate for the classification for which it was  
118 established.

119 (h) Where a required employer is awarded a contract to perform  
120 services that are substantially the same as services that have been  
121 rendered under a predecessor contract, such required employer shall  
122 retain, for a period of ninety days, all employees who had been  
123 employed by the predecessor to perform services under such  
124 predecessor contract, except that the successor contract need not retain  
125 employees who worked less than fifteen hours per week or who had  
126 been employed at the site for less than sixty days. During such ninety-  
127 day period, the successor contract shall not discharge without just  
128 cause an employee retained pursuant to this subsection. If the  
129 performance of an employee retained pursuant to this subsection or  
130 section 4a-82 is satisfactory during the ninety-day period, the successor  
131 contractor shall offer the employee continued employment for the  
132 duration of the successor contract under the terms and conditions  
133 established by the successor contractor, or as required by law. The  
134 provisions of this subsection shall not apply to any contract covered by  
135 subsections (o) and (p) of section 4a-82.

136 [(h)] (i) Each required employer subject to the provisions of this  
137 section shall (1) keep, maintain and preserve such records relating to  
138 the wages and hours worked by each employee and a schedule of the  
139 occupation or work classification at which each person is employed  
140 during each work day and week in such manner and form as the Labor  
141 Commissioner establishes to assure the proper payments due to such  
142 employees, and (2) annually or upon written request, submit to the  
143 contracting state agent a certified payroll which shall consist of a  
144 complete copy of such records accompanied by a statement signed by  
145 the employer which indicates that (A) such records are correct, (B) the  
146 rate of wages paid to each employee is not less than the standard rate  
147 of wages required by this section, (C) such employer has complied  
148 with the provisions of this section, and (D) such employer is aware  
149 that filing a certified payroll which it knows to be false is a class D

150 felony for which such employer may be fined not more than five  
151 thousand dollars or imprisoned not more than five years, or both.  
152 Notwithstanding the provisions of section 1-210, the certified payroll  
153 shall be considered a public record and every person shall have the  
154 right to inspect and copy such record in accordance with the  
155 provisions of section 1-212. The provisions of subsections (a) and (b) of  
156 section 31-59, section 31-66 and section 31-69 which are not  
157 inconsistent with the provisions of this section shall apply. Any person  
158 who files a false certified payroll in violation of subdivision (2) of this  
159 subsection shall be guilty of a class D felony for which such person  
160 may be fined not more than five thousand dollars or imprisoned not  
161 more than five years, or both.

162     ~~[(i)]~~ (j) This section shall not apply to contracts, agreements or  
163 grants which do not exceed forty-nine thousand nine hundred ninety-  
164 nine dollars per annum.

165     ~~[(j)]~~ (k) On receipt of a complaint for nonpayment of the standard  
166 rate of wages, the Labor Commissioner, the Director of Wage and  
167 Workplace Standards and wage enforcement agents of the Labor  
168 Department shall have power to enter, during usual business hours,  
169 the place of business or employment of any employer to determine  
170 compliance with this section, and for such purpose may examine  
171 payroll and other records and interview employees, call hearings,  
172 administer oaths, take testimony under oath and take depositions in  
173 the manner provided by sections 52-148a to 52-148e, inclusive. The  
174 commissioner or the director, for such purpose, may issue subpoenas  
175 for the attendance of witnesses and the production of books and  
176 records. Any required employer, an officer or agent of such employer,  
177 or the officer or agent of any corporation, firm or partnership who  
178 wilfully fails to furnish time and wage records as required by law to  
179 the commissioner, the director or any wage enforcement agent upon  
180 request or who refuses to admit the commissioner, the director or such  
181 agent to a place of employment or who hinders or delays the  
182 commissioner, the director or such agent in the performance of any  
183 duties in the enforcement of this section shall be fined not less than

184 twenty-five dollars nor more than one hundred dollars, and each day  
 185 of such failure to furnish time and wage records to the commissioner,  
 186 the director or such agent shall constitute a separate offense, and each  
 187 day of refusal of admittance, of hindering or of delaying the  
 188 commissioner, the director or such agent shall constitute a separate  
 189 offense.

190 [(k)] (l) Notwithstanding subsection [(i)] (j) of this section, any  
 191 employer that pays the state for a franchise to provide food  
 192 preparation or service, or both, for the state shall be required to certify  
 193 that the wages and benefits paid to its employees are not less than the  
 194 standard rate established pursuant to this section, provided, if no  
 195 prevailing rate of wages or benefits was in effect at the time the state  
 196 entered into a franchise agreement, then the employer shall not be  
 197 required to pay the prevailing rate of wages or benefits during the life  
 198 of the agreement, unless the agreement is amended, extended or  
 199 renewed.

200 [(l)] (m) The Labor Commissioner may adopt regulations, in  
 201 accordance with chapter 54, to carry out the provisions of this section.

202 [(m)] (n) The provisions of this section and any regulation adopted  
 203 pursuant to subsection [(l)] (m) of this section shall not apply to any  
 204 contract or agreement entered into before July 1, 2000."

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|---|--------------|--------|
| This act shall take effect as follows and shall amend the following sections: |              |        |
| Section 1   | July 1, 2009 | 31-57f |